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8 **UNITED STATES DISTRICT COURT**
9 **DISTRICT OF NEVADA**

10
11 UNITED STATES OF AMERICA,

12 Plaintiff,

13 v.

14 KEVIN MARC DAVIS,

15 Defendant.

Case No. 2:20-MJ-208-VCF

ORDER TO CONTINUE
BENCH TRIAL
(First Request)

16
17 IT IS HEREBY STIPULATED AND AGREED, by and between Nicholas A.
18 Trutanich, United States Attorney, and Rachel Kent, Special Assistant United States Attorney,
19 counsel for the United States of America, and Rene L. Valladares, Federal Public Defender,
20 and Katherine Tanaka, Assistant Federal Public Defender, counsel for Kevin Marc Davis, that
21 the bench trial currently scheduled on May 20, 2020, be vacated and continued to a date and
22 time convenient to the Court, but no sooner than sixty (60) days.

23 This Stipulation is entered into for the following reasons:

24 1. Counsel for the defendant needs additional time to review discovery and
25 conduct investigation in this case to determine whether there are any pretrial issues that must
26

1 be litigated and whether the case will ultimately go to trial or will be resolved through
2 negotiations.

3 2. Mr. Davis is not incarcerated and does not object to the continuance.

4 3. The parties agree to the continuance.

5 4. Additionally, denial of this request for continuance could result in a
6 miscarriage of justice. The additional time requested by this Stipulation is excludable in
7 computing the time within which the trial herein must commence pursuant to the Speedy Trial
8 Act, Title 18, United States Code, Section 3161(h)(7)(A), considering the factors under Title
9 18, United States Code § 3161(h)(7)(B)(iv).

10 This is the first request for a continuance of the bench trial.

11 DATED this 13 day of May, 2020.

12
13 RENE L. VALLADARES
14 Federal Public Defender

NICHOLAS A. TRUTANICH
United States Attorney

15 By /s/ Katherine Tanaka

By /s/ Rachel Kent

16 KATHERINE TANAKA,
17 Assistant Federal Public Defender

RACHEL KENT
Special Assistant United States Attorney

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

v.

KEVIN MARC DAVIS,

Defendant.

Case No. 2:20-MJ-208-VCF

FINDINGS OF FACT, CONCLUSIONS
OF LAW AND ORDER

FINDINGS OF FACT

Based on the pending Stipulation of counsel, and good cause appearing therefore, the Court finds that:

1. Counsel for the defendant needs additional time to review discovery and conduct investigation in this case to determine whether there are any pretrial issues that must be litigated and whether the case will ultimately go to trial or will be resolved through negotiations.

2. Mr. Davis is not incarcerated and does not object to the continuance.

3. The parties agree to the continuance.

4. Additionally, denial of this request for continuance could result in a miscarriage of justice. The additional time requested by this Stipulation is excludable in computing the time within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United States Code, Section 3161(h)(7)(A), considering the factors under Title 18, United States Code §§ 3161(h)(7)(B) and 3161(h)(7)(B)(iv).

This is the first request for a continuance of the bench trial.

CONCLUSIONS OF LAW

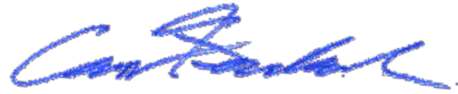
The ends of justice served by granting said continuance outweigh the best interest of the public and the defendant in a speedy trial, since the failure to grant said continuance would be likely to result in a miscarriage of justice, would deny the parties herein sufficient time and the opportunity within which to be able to effectively and thoroughly prepare for trial, taking into account the exercise of due diligence.

The continuance sought herein is excludable under the Speedy Trial Act, Title 18, United States Code, Section 3161(h)(7)(A), when the considering the facts under Title 18, United States Code, § 316(h)(7)(B)(iv).

ORDER

IT IS THEREFORE ORDERED that the bench trial currently scheduled on Wednesday, May 20, 2020, at 9:00 a.m., be vacated and continued to July 29, 2020 at the hour of 9:00 a.m.

DATED this 13 day of May, 2020.



UNITED STATES MAGISTRATE JUDGE